

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2023-03
Petition of Jimmi Bazzari
765 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 2, 2023, at 7:30 pm in the Kingsbury Room, 485 Washington Street, Wellesley, on the petition of Jimmi Bazzari requesting a Special Permit and a Special Permit/Finding pursuant to the provisions of Section 5.1, Section 5.13 and Section 6.3 of the Zoning Bylaw that demolition of an existing one story garage and construction of a new two story garage that will connect via a covered walkway to an existing nonconforming structure with less than required front yard and left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, and for an Accessory Dwelling Unit to be located on the second floor of the new garage that will increase the footprint of a non-conforming building in a single residence district, at 765 Worcester Street, in a 15,000 square foot Single Residence District.

On January 5, 2023, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing were David Himmelberger, Esq., and Jimmi Bazzari, the Petitioner.

Mr. Himmelberger said that the request is for a special permit to raze a detached garage and to construct an attached, enlarged two story garage with an Accessory Dwelling Unit (ADU) on the second floor. He said that the garage will be connected to the existing house with a breezeway. He said that the existing house is nonconforming due to front and side yard setbacks. He said that the footprint will be increased and is subject to Section 5.1.3 of the Zoning Bylaw. He said that the garage will be dug into the hillside and will allow for a walkout rear door on the second floor for the ADU. He said that there will be an internal staircase to the ADU. He said that the ADU meets the criteria for approval and the increased size of the garage will not be substantially more detrimental to the neighborhood than the pre-existing nonconforming structure.

The Chairman said that the nonconforming setbacks will not be affected by the proposed structure.

The Chairman said that it is hard to fit the architectural drawings with the plot plan. He said that the retaining wall on the side is not shown on the plot plan. Mr. Bazzari said that the surveyor did not show the retaining wall because of the ledge in that area. He said that he will have to expose the area to see if it is all ledge and no dirt. He said that he may put a fence on top if needed. Mr. Himmelberger said that they will have to do a lot of excavation to determine soil conditions.

A Board member said that there are a lot of conditions that the Board cannot tell from the drawings. He discussed concerns about attachment of the fence to the second floor of the building against the sloped roof. He said that he could not tell from the site plan how far will the wall will go because of the ledge. He said that as the wall approaches the side lot line, it cannot be over four feet high without stepping. Mr. Himmelberger said that a retaining wall has to be compliant or the Petitioner will have come back to the Board for further relief. He said that, based on the ledge there, they probably will not need a wall, as the ledge provides the requisite support.

Mr. Himmelberger said that they can put screening on the left side of the garage but not on the other side because of the shared driveway. He said that there is considerable distance between the garage and the next house. He said that there is a row of hemlocks along the property line.

The Chairman discussed concerns about the door on the second floor that goes to nowhere and outdoor space on the east elevation. Mr. Himmelberger said that the door goes to a flat elevation. He said that the plan is to run out from the breezeway area to the rear of the garage, parallel with the garage. Mr. Bazzari said that the door will be more of a second egress. He said that he could put stairs in. He said that he already has a patio elsewhere.

A Board member asked if the intent is to take out a fair amount of ledge to put the garage in. Mr. Bazzari said that he may have to bring a chipper in. He said that he encountered a lot of ledge when he built the addition in 2018. He said that he may use the rock to build a wall. He said that it is hard to expose what is there. He said that he was told not to do anything until after he came before the Board.

A Board member asked about drainage. Mr. Bazzari said that he has a drywell that he will tie the gutters into. The Chairman said that there will be 400 square feet of new impervious surface on a 25,000 plus square foot lot, so additional stormwater runoff should not be an issue. He discussed vegetative screening around the proposed structure.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 765 Worcester Street, in a 15,000 square foot Single Residence District, with a minimum front yard setback of 19.2 feet where 30 feet is required, and a minimum left side yard setback of 15.4 feet where 20 feet is required.

The Petitioner is requesting a Special Permit and a Special Permit/Finding pursuant to the provisions of Section 5.1, Section 5.13 and Section 6.3 of the Zoning Bylaw that demolition of an existing one story garage and construction of a new two story garage that will connect via a covered walkway to an existing nonconforming structure with less than required front yard and left side yard setbacks, shall not be

substantially more detrimental to the neighborhood than the existing nonconforming structure, and for an Accessory Dwelling Unit to be located on the second floor of the new garage, that will increase the footprint of a non-conforming building in a single residence district.

Letter to Zoning Board of Appeals, dated 12/22/22, from David J. Himmelberger, Esq., TLAG Affidavit, dated 9/8/22, prepared Jimmi Bazzari, a Plot Plan, dated 6/28/22, stamped by Scott C. Lynch, Professional Land Surveyor, Floor Plans & Elevation Drawings, dated 11/22/22, Topographic Contours, and photographs were submitted.

On January 27, 2023, the Department of Public Works Engineering Division submitted comments.

On February 1, 2023, the Planning Board reviewed the petition and recommended that a special permit be approved, subject to conditions.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that demolition of an existing one story garage and construction of a new two story garage that will connect via a covered walkway to an existing nonconforming structure with less than required front yard and left side yard setbacks, and construction of an Accessory Dwelling Unit to be located on the second floor of the new garage that will increase the footprint of a non-conforming building in a single residence district, will not result in the intensification of existing nonconformities, will not result in additional nonconformities, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing one story garage and construction of a new two story garage that will connect via a covered walkway to an existing nonconforming structure and construction of an Accessory Dwelling Unit to be located on the second floor of the new garage, subject to the following conditions:

1. Stormwater protections shall address stormwater runoff.
2. Erosion controls shall preclude debris from getting onto the driveway.
3. Retaining walls, as yet undefined, shall comply with the town bylaws.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

2023 FEB 16 AM 10:49
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 STATE ST.
WORCESTER, MA 02247

ZBA 2023-03
Petition of Jimmi Bazzari
765 Worcester Street

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


J. Randolph Becker, Chairman


David G. Sheffield


Derek B. Redgate

ZBA 2022-03
Applicant Jimmi Bazzari
Address 765 Worcester Street

RECEIVED
FEB 16 AM 10:40
TOWN CLERK'S OFFICE
WELLESLEY MA 02158

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

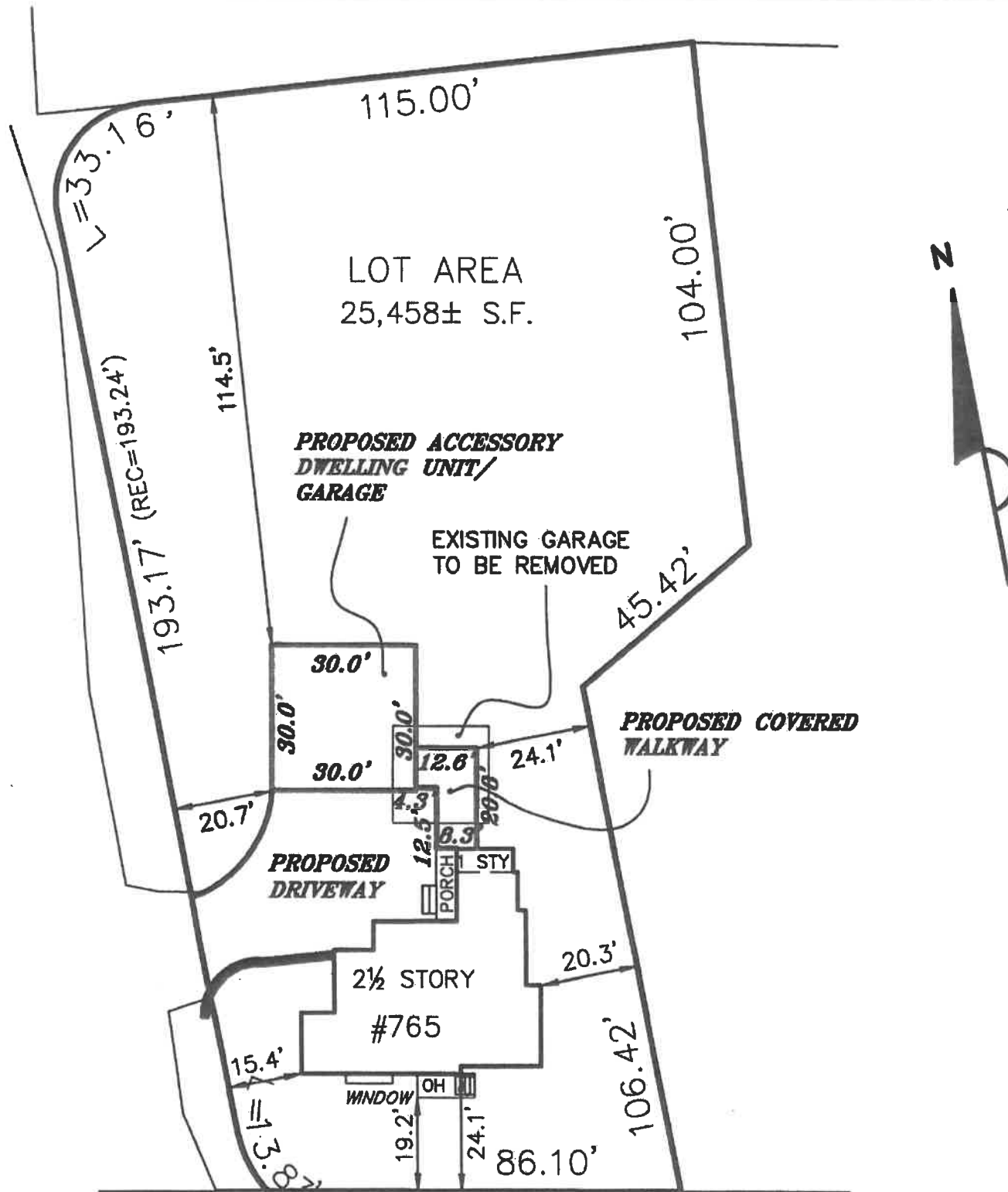
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



WORCESTER STREET

LOT COVERAGE = 2,763± S.F. OR 10.8%

OWNER: JIMMI & GINA BAZZARI

I HEREBY CERTIFY THAT THE BUILDING IS LOCATED AS SHOWN.



**PROPOSED PLOT PLAN
#765 WORCESTER STREET
IN
WELLESLEY, MA
(MIDDLESEX COUNTY)**

SCALE: 1" = 40' DATE: 6/28/2022



ROBER SURVEY
1072A MASSACHUSETTS AVENUE
ARLINGTON, MA 02476
(781) 648-5533
5330PP4.DWG

Scott Lynch
SCOTT LYNCH, PLS DATE

THIS PLAN MAY HAVE BEEN ALTERED IF THE SIGNATURE IS NOT SIGNED IN BLUE.